

LBR 5005.1
FILING BY ELECTRONIC MEANS

The court will accept for filing documents submitted, signed or verified by electronic means that comply with procedures established by the court.

Commentary: This provision is recommended for adoption, without modification, from the Model Local Bankruptcy Court Rules for Electronic Case Filing, approved by the Judicial Conference in September 2001.

Draft

LBR 1005.2

CAPTIONS; CASE NUMBERING SYSTEM

(a) **Captions.** In addition to meeting the requirements of Fed. R. Bankr. P. 1005 and Bankruptcy Official Form 16A or 16B, as applicable, the caption of each petition must state: ~~(1) the full and correct name of the debtor, whether individual, partnership, or corporation, e.g. John Quincy Smith, John Q. (MIO) Smith or John (NMN) Smith; and~~
~~(2) the debtor's social security number and/or taxpayer identification number, set out below the caption.~~

(b) **Case Numbering System.** Each case when filed is assigned a number by the clerk, which begins with a two-digit indicator of the year in which the case was filed, followed by a hyphen and the individualized case number of five digits, ~~followed by another hyphen and the chapter number of the case.~~ The clerk may add a judge identifier code. The five-digit individualized case numbers are as follows:

- Wichita cases "1", e.g. 02 03-10001-7;
- Kansas City cases "2", e.g. 02 03-20001-11; and
- Topeka cases "4", e.g. 02 03-40001-13.

Commentary: The strike of paragraph (a)(2) anticipates adoption of Proposed Amendments to Federal Rules of Bankruptcy Procedure which restrict use of Social Security Number in documents available to the public via CM/ECF or PACER. Absent adoption of the Proposed Amendment, current Fed. R. Bankr. P. 1005 requires social security number on the petition so the same provision in local rules is redundant.

*The remaining modification to paragraph (a) are proposed to bring the text of the rule into conformity with **Guidelines for Drafting and Editing Court Rules** by Bryan A. Garner.*

The modifications to paragraph (b) are designed to conform the case numbering system to requirements of the CM/ECF computer system.

LBR 1007.1

INITIAL FILINGS

(a) **Assembly of Petition and Accompanying Papers.** Petitions, schedules and statements of affairs and lists of creditors must conform to the Official Bankruptcy Forms and be printed on one side of the paper only. All original documents and pleadings filed with the court must be 2-hole punched at the top and must **not** be stapled. Copies may be stapled together for distribution.

(1) Voluntary petitions and accompanying papers must be assembled in the following order:

- (A) petition (including certified copy of corporate resolution in corporate cases);
- (B) signature page;
- (C) statement of financial affairs;
- (D) declaration under penalty of perjury on behalf of a corporation or partnership (if applicable);
- (E) exhibit A (if debtor is a corporation filing under chapter 11);
- (F) list of creditors holding 20 largest unsecured claims (in chapter 11);
- (G) schedules A through J;
- (H) summary of schedules;
- (I) declaration concerning debtor's schedules;
- (J) chapter 7 individual debtor's statement of intention; and
- (K) Rule 2016(b) statement of attorney compensation.

(2) The following documents must **not** be stapled to the petition:

- (A) application to pay filing fees in installments (if applicable);
- (B) matrix;
- (C) matrix verification; and plan (if submitted when petition is filed in chapters 11, 12 and 13).

(b) **Matrix.** Every petition must be accompanied by a matrix in a form prescribed by the clerk and adopted by **D. Kan. Bk. S.O. 02-1** ~~Standing Order 00-1~~. Names and complete addresses of creditors must be listed in alphabetical order. The first and succeeding pages of the matrix must list on the reverse side of the page the name of the debtor.

Every matrix, whether original or amended, must be signed and verified as provided in Fed. R. Bankr. P. 1008.

(c) **Creditors' Schedules.** Creditors must be listed alphabetically with the full address of each, including post office box or street number, city or town, state and zip code. If it is known that the account or debt has been assigned or is in the hands of an attorney or other agency for collection, the full name and address of such assignee or agent must be set forth, but without twice extending the dollar amount of the debt. Each entry

required by this subsection must be separated by two spaces from the next succeeding entry. If the United States is listed as a creditor, the agency must be noticed as provided by **D. Kan. Bk. S.O. 02-2. ~~Standing Order 00-2~~**

(d) Schedule of Current Income and Expenses of Individual Debtors. Spousal income and expenditures must be completed in all cases filed by joint debtors and by a married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

(e) Copies. Unless otherwise ordered by the court, the combined number of the executed original and conformed copies of initiatory petitions and accompanying statements, lists and schedules is:

- original and 3 copies in chapters 7 and 13;
- original and 4 copies in chapter 12;
- original and 5 copies in chapters 9 and 11.

Commentary: Paragraphs (b) and (c) were amended to correct typographical errors in the citation of referenced Standing Orders.

Draft

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

STANDING ORDER NO. ~~00-1~~ 02-1

PREPARATION AND FILING OF MATRIX

Pursuant to D. Kan. LBR 1007.1, all petitions filed must be accompanied by a matrix. The matrix must be prepared in accordance with the following guidelines:

A. An optically scannable creditor(s) matrix (accompanied by a verification) is required when:

- (1) a new case (all chapters) is filed,
- (2) an amendment to a case (all chapters) is filed containing additional creditors. This matrix must list only those additional creditors as listed on the amendment to schedules.

B. Matrices must be an **original** printed document on standard bond paper, which is free of lines, marks, or smudges.

C. Matrices must be prepared in one of the following standard typefaces or print styles: Courier 10 pitch, Prestige Elite 12 Pitch, or Letter Gothic 12 pitch. Character pitch must match character spacing. Do not use proportional spacing. **DOT MATRIX PRINTERS ARE NOT SCANNABLE AND WILL NOT BE ACCEPTED.**

D. Matrices must be typed in a single column with each line left justified. Addresses must be in a single column in order for the optical character reader to scan the material automatically from left to right, line by line.

E. Each name/address must consist of no more than 5 lines with the city, state and zip codes located on the last line. **DO NOT** type "attention" lines or account numbers on the last line. If needed, this information is to be placed on the second line of the name/address. There must be at least 2 blank lines between each of the name/address blocks.

F. All states must be two-letter abbreviations (both letters capitalized) and in conformance with postal abbreviations.

G. Lists must be typed so that no letters are closer than one and one-half (1 ½) inches from any edge of the paper.

H. Each line must not exceed 30 characters in length.

I. In conformance with U.S. Postal Service requirements, all addresses should be devoid of punctuation, e.g. periods or commas, any and all special characters, e.g. #, %, /, and (), except the hyphen in the ZIP+4 code. **The name and address must not be in all capital letters except for the two-letter state abbreviation.** This is the only exception to the U.S. Postal Service requirements.

J. **DO NOT** include the debtor, joint debtor, attorney for debtor, Interim Trustee, or U.S. Trustee on matrices. They will be retrieved automatically by the computer for noticing. The name of the debtor should be listed on the **REVERSE** side of each page for identification purposes.

- K. All creditors are to be alphabetized.
- L. Do not duplicate names and address.

A debtor may also file a disk in the format set forth in the “Clerk’s Instructions for Submitting a Matrix on a Disk.”

Dated this ____ day of December, 2002.

APPROVED:

/s/Robert E. Nugent
ROBERT E. NUGENT, CHIEF JUDGE

/s/James A. Pusateri
JAMES A. PUSATERI, JUDGE

/s/John T. Flannagan
JOHN T. FLANNAGAN, JUDGE

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/s/Janice M. Karlin
JANICE M. KARLIN, JUDGE

Commentary: Renumbered to ensure consistency with other Standing Orders

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

STANDING ORDER NO. ~~01-2~~ 02-2

**SCHEDULING, LISTING AND NOTICING
THE UNITED STATES AS A CREDITOR**

(a) Departments, Agencies and Instrumentalities of the United States. If a department, agency, or instrumentality of the United States is a creditor, the schedules and matrix must list that agency at the address provided by Standing Order of the court. Any notice or service given to an address listed in the Standing Order will be in addition to any notice required by statute, rule or regulation.

(b) United States Attorney's Office. In all cases in which any department, agency or instrumentality of the United States is a creditor, the schedule of creditors and matrix must also list the United States Attorney's Office located in the division headquarters in which the petition for relief has been filed.

(c) Register of Addresses. This list of addresses constitutes the Clerk's register of mailing addresses as required by F.R.Bank.P. 5003(e).

If one of the following departments, agencies or instrumentalities of the United States is a creditor, the schedule and matrix should list the agency at the address indicated herein:

1. DEPARTMENT OF AGRICULTURE

(excepting Farm Services Agency, Ag Credit Division and Commodity Credit Divisions; and Rural Economic Community Development, which are hereafter individually set forth)

Regional Counsel
Department of Agriculture
Post Office Box 419205
Kansas City MO 64141-0205

Farm Services Agency
Ag Credit Division
3600 Anderson Avenue
Manhattan KS 66503-2511

Farm Services Agency
Commodity Credit Division
3600 Anderson Avenue
Manhattan KS 66503-2511

USDA Rural Development

~~1200 SW Executive Drive~~
~~P O Box 4653~~
Suite 100
1303 SW First American Place
Topeka KS 66604-0653-4040

USDA Centralized Servicing Center
PO Box 66879
St Louis MO 63166

2. DEPARTMENT OF EDUCATION (DOE)
(Debtor(s)' Social Security Number must be included.)

Regional Director Region IX
Department of Education
Office of Postsecondary Education
50 United Nations Plaza
San Francisco CA 94102

3. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
(Debtor(s)' Social Security Number must be included.)

Department of Health and Human Services Region VII
Office of the General Counsel
601 East 12th Street Room 411 1711
Kansas City MO 64106

4. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Regional Counsel
Department of Housing and Urban Development
Professional Building
400 State Avenue
Kansas City KS 66101-2406

5. INTERNAL REVENUE SERVICE (IRS)

Internal Revenue Service
271 W 3rd Street N Suite 3000
STOP 5333 WIC
Wichita KS 67202

6. SMALL BUSINESS ADMINISTRATION (SBA)

District Counsel
US Small Business Administration
Lucas Place
323 West 8th Street Suite 501
Kansas City MO 64105; or

District Counsel
U S Small Business Administration
~~100 East English Suite 510~~
271 W Third Street North
Suite 2500
Wichita KS 67202-**1212**

7. SOCIAL SECURITY ADMINISTRATION
(Debtor(s)' Social Security Number must be included.)

Office of General Counsel
Social Security Administration Region VII
Federal Office Building
601 East 12th St Room 535
Kansas City MO 64106

8. UNITED STATES POSTAL SERVICE

Law Department
US Postal Service
~~Suite 1480 South~~
~~300 South Riverside Plaza~~
~~Chicago IL 60606-6617~~
9350 South 150 East
Suite 800
Sandy UT 84070-2716

9. VETERANS ADMINISTRATION (VA)

District Counsel
Veterans Administration
5500 East Kellogg
Wichita KS 67218

Dated this ____ day of December, 2002.

APPROVED:

/s/Robert E. Nugent
ROBERT E. NUGENT, CHIEF JUDGE

/s/James A. Pusateri

JAMES A. PUSATERI, JUDGE

/s/John T. Flannagan

JOHN T. FLANNAGAN, JUDGE

/s/Janice M. Karlin

JANICE M. KARLIN, JUDGE

Commentary: Addresses updated pursuant to Fed. R. Bankr. P. 5003(e). Renumbered to ensure consistency with other Standing Orders.

LBR 5075.1

ORDERS GRANTABLE BY BANKRUPTCY CLERK; REVIEW

(a) Orders.

(1) ~~t~~The clerk is authorized to ~~grant~~ **sign and enter** the following orders without further direction by the court:

(A) in adversary proceedings, an order extending once for 10 days, the time within which to answer, reply or otherwise plead to a complaint, cross-claim or counterclaim if the time originally prescribed to plead has not expired;

(B) an order for the payment of money on consent of all interested parties;

(C) a consent order for the substitution of attorneys;

(D) in adversary proceedings, a consent order dismissing an action, except in cases governed by Fed. R. Bankr. P. 7023 and/or D. Kan. LBR 7041.1;

(E) in adversary proceedings, entry of default and judgment by default as provided for in F. R. Bankr. P. 7055; ~~and~~

(F) **an order permitting payment of filing fees in installments;**

(G) **an order for compliance requiring timely filing of schedules and statements or for compliance with filing requirements and a notice of intent to dismiss for failure to comply; and,**

(FH) any other order that is specified by Standing Order as not requiring special direction by the court.

(2) ~~a~~**A**ny order submitted to the clerk under this rule must be signed by the party or attorney submitting it, and is subject to the provisions of Fed. R. Bankr. P. 9011 and D. Kan. LBR 9011.3.

(3) ~~a~~**A**ny order submitted to the clerk for an extension of time under paragraph (a) must state:

(A) the date when the time for the act sought to be extended is due;

(B) the date to which the time for the act is to be extended; and

(C) that the time originally prescribed has not expired.

(b) Action Reviewable. Any order entered by the clerk under this rule may be suspended, altered or rescinded as authorized by Fed. R. Bankr. P. 9024.

Commentary: This rule was amended to authorize the clerk to sign and enter orders granting applications to pay filing fees in installments and orders to correct pleadings. The title of the rule was amended since orders to correct pleading are not generally issued in response to motions. The list specified in paragraph (A)(1) was reordered to accommodate the proposed change. Finally, minor stylistic/format changes are proposed.

LBR 7004.1

**SERVICE OF SUMMONS AND COMPLAINT
ON THE UNITED STATES**

In addition to any service required by rule or statute, in all cases in which the United States and/or a department, agency or instrumentality of the United States is named as a party defendant service of any summons or complaint must be made on the United States Attorney's Office located in the division headquarters city in which the petition for relief has been filed and also upon the department, agency or instrumentality as prescribed by ~~Standing Order 00-2~~**D. Kan. Bk. S.O. 02-2.**

Commentary: Amended to update citation of referenced Standing Orders.